

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

LUXOTTICA GROUP, S.p.A,

Case No. 2:16-cv-02608-JCM-PAL

Plaintiff,

ORDER

v.

(Mot Withdraw Atty – ECF No. 23)

VEGAS FOTO, INC., et al,

Defendants.

This matter is before the court on attorney Johathon Fayeghi and Sklar Williams PLLC's Motion to Withdraw as Counsel of Record for defendants Vegas Foto, Inc., Doron Mashal, and Shirah Mashal. The motion represents that Mr. Mashal indicated that he would no longer be able to pay for counsel, expressed his desire to represent himself, and consented to withdrawal of the firm for all defendants. Mr. Fayeghi therefore seeks leave to withdraw as counsel of record.

A corporation cannot appear except through counsel. *See Rowland v. California Men's Colony*, 506 U.S. 194, 201–02 (1993); *Reading Int'l, Inc. v. Malulani Grp., Ltd.*, 814 F.3d 1046, 1053 (9th Cir. 2016). As such, even if Doran Mashal and Shirah Mashal want to represent themselves, Vegas Foto, Inc. will still be required to obtain counsel. The Ninth Circuit has held that default judgment is an appropriate sanction for a corporation's failure to retain counsel for the duration of the litigation. *United States v. High Country Broadcasting*, 3 F.3d 1244, 1245 (9th Cir. 1993). There are currently no pending motions in this matter, and discovery is not set to expire until June 16, 2017.

Having reviewed and considered the matter, and for good cause shown,

**IT IS ORDERED:**

1. Mr. Fayeghi's Motion to Withdraw (ECF No. 23) is **GRANTED**.


2. Defendants Doron Mashal and Shirah Mashal shall have until **April 17, 2017** in which to retain substitute counsel who shall make an appearance in accordance with the requirements of the Local Rules of Practice, or shall file a notice with the court that they will be appearing in this matter *pro se*, that is, representing themselves.
3. Defendants Doron Mashal and Shirah Mashal's failure to timely comply with this order by either obtaining substitute counsel, or filing a notice that they will be appearing in this matter *pro se* may result in the imposition of sanctions.
4. Defendant Vegas Foto, Inc. shall have until **April 17, 2017** in which to retain substitute counsel who shall make an appearance in accordance with the requirements of the Local Rules of Practice.
5. Defendant Vegas Foto, Inc.'s failure to timely comply with this order by obtaining substitute counsel may result in the imposition of sanctions, which may include a recommendation to the District Judge that default judgment be entered.
6. The Clerk of the Court shall serve the defendants with a copy of this order at their last known address:

Vegas Foto, Inc.  
c/o Zohor Ben-Rey, CPA  
8670 W. Spring Mountain Rd.  
Las Vegas, NV 89117

Doran Mashal  
c/o Zohor Ben-Rey, CPA  
8670 W. Spring Mountain Rd.  
Las Vegas, NV 89117

Shirah Mashal  
c/o Zohor Ben-Rey, CPA  
8670 W. Spring Mountain Rd.  
Las Vegas, NV 89117

DATED this 17th day of March, 2017.

  
PEGGY A. LEEN  
UNITED STATES MAGISTRATE JUDGE